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July 19, 2002

RECEIVED OUR FILE NO.  
21279-00100-63

Marlene H. Dortch, Secretary  
Federal Communications Commission  
C/o Vistronix, Inc.  
236 Massachusetts Avenue, NE, Suite 110  
Washington, DC 20002

JUL 19 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY


RE: Petition for Rule Making  
Opelousas Radio Broadcasters  
Opelousas, LA  
Channel 279A

Dear Ms. Dortch:

Transmitted herewith, on behalf of Opelousas Radio Broadcasters, are an original and four copies of a **PETITION FOR RULE MAKING**, requesting the allocation of Channel 279A to Opelousas, Louisiana.

Should further information be necessary regarding this submission, kindly communicate directly with this office.

Sincerely,

  
John M. Pelkey

Enclosures  
JMP/blr

No. of Copies rec'd 014  
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02-170

Before The  
**Federal Communications Commission**  
Washington, D.C. 20554

**RECEIVED**

In re Amendment of  
Section 73.202(b)  
Table of Allotments  
FM Broadcast Stations  
Opelousas, Louisiana

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File No.

JUL 19 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: Assistant Chief, Audio Division

## Petition for Rule Making

Opelousas Radio Broadcasters ("ORB"), pursuant to Sections 1.401 and 1.420 of the Commission's rules and by its attorneys, hereby requests that the Commission institute a rulemaking proceeding to amend Section 73.202(b) of the Commission's rules, the Table of FM Allotments. Specifically, ORB requests that the Table of FM Allotments be amended so as to allocate Channel 279A to Opelousas, Louisiana, as that community's third FM broadcast channel. In support of this Petition, the following is stated:

### I. Opelousas, Louisiana, is a Community in Need of an Additional Broadcast Facility.

Opelousas, Louisiana, which is the third oldest city in Louisiana, is the parish seat of St. Landry Parish. According to the 2000 Census, it boasts a population of 22,860 persons. It is governed by a Mayor, Alderman and City Council. John Vallien serves as the Mayor. Leroy Payne is the Alderman-at-Large. Dr. Joseph Guillory, Gregory T.

Castain, Matthew Dale Pefferkorn, Charles E. McKinney and Joseph Charles all serve as City Councilmen. Opelousas has its own post office. Police protection is provided by the Opelousas Police Department, while the city Fire Department protects the homes and businesses of Opelousas from the ravages of fire. The children of Opelousas are educated at several schools located within the city, including Creswell Elementary, Grolee Elementary, Opelousas High School and Opelousas Senior High School. Opelousas is also home to numerous businesses, including eight different banks; two hospitals, including Opelousas General Hospital; restaurants and at least eight hotels, including the Quality Inn of Opelousas. The city's residents are served by several newspapers, including the Daily World, a Gannett newspaper published in Opelousas.

Even though Opelousas would be considered to be an important community solely by virtue of its role as the political and social center of St. Landry Parish, its importance is magnified by the fact that it is known as the "Zydeco Music Capital of the World," a fact that swells Opelousas's ranks by attracting thousands of people to Opelousas every year. Visitors flock to Opelousas to listen to the Main Street Concerts held in downtown Opelousas every spring, to attend the Louisiana Yambilee Festival usually held the last weekend of October or to walk around Old Opelousas, which is a National Historic District.

Despite Opelousas's status, it enjoys only two fulltime FM stations. Allocation of Channel 279A would remedy this deficiency.

II. Allocation of Channel 279A to Opelousas, Louisiana, can be accomplished in Accordance with the Commission's Technical Requirements for New Allocations.

Allocation of Channel 279A to Opelousas can be accomplished in complete accordance with the Commission's rules governing allocations if a slight site restriction is imposed. Specifically, as the attached spacing study<sup>1</sup> demonstrates, the proposed allocation meets all spacing requirements at the proposed reference coordinates.<sup>2</sup> In addition, as is depicted on the attached coverage map,<sup>3</sup> city-grade coverage would be achieved over all of Opelousas from the proposed reference coordinates.

III. Allocation of Channel 279A to Opelousas would be in the Public Interest.

The allocation of Channel 279A to Opelousas would be in the public interest. The proposal would permit Opelousas to enjoy its third local full-service FM transmission service and would provide an additional interference free service to 29,902 persons in an area of 216.4 square kilometers, thereby serving priority 4 of the Commission's allocation priorities.<sup>4</sup>

IV. If Channel 279A is Allocated to Opelousas, ORB Will Apply for Facilities to Operate on the Channel and, if such Application is Granted, will Construct Such Facilities.

As required by the Commission, ORB hereby commits to apply for an authorization to construct the requisite facilities on Channel 279A at Opelousas if the

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<sup>1</sup> See Exhibit 1.

<sup>2</sup> The proposed reference coordinates are 30°,28',18" NL; 92°, 03',14" WL.

<sup>3</sup> See Exhibit 2.

<sup>4</sup> As the Commission explained in *Revision of FM Assignment Policies and Procedures*, the FM allotment priorities are: (1) first full-time aural service; (2) second full-time aural service; (3) first local

allocation is adopted by the Commission. In addition, ORB commits to construct such facilities if awarded such construction permit.

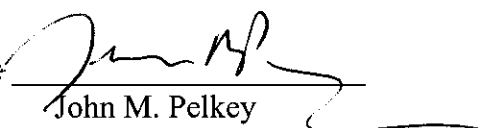
### Conclusion

As has been demonstrated above, allocation of Channel 279A to Opelousas, Louisiana, would be in the public interest inasmuch as it would allow Opelousas and its many inhabitants and visitors to enjoy its third local full-service FM transmission service and would provide an additional interference free service to 29,902 persons. Accordingly, ORB respectfully requests that the Table of FM Allotments be amended as follows:

Community	Present Allotment	Proposed Allotment
Opelousas, Louisiana	290A, 296A	279A, 290A, 296A

Respectfully submitted,

Opelousas Radio Broadcasters

By:   
John M. Pelkey  
Its Attorney

Garvey, Schubert & Barer  
5<sup>th</sup> Floor, 1000 Potomac Street, N.W.  
Washington, DC 20007

202/965-7880  
Date: July 19, 2002

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service; and (4) other public interest matters (with co-equal weight being given to priorities (2) and (3)). 90 FCC2d 88, 91 (1982).

Exhibit 1

Spacing Study

### **Technical Narrative**

This petition seeks to have channel 279 A allotted as the third FM service and fourth aural service to Opelousas, Louisiana. At present KVOL-FM operates on 290A and KOGM-FM operates on 296A, both serving Opelousas. KSLO-AM 1230 KHz also serves Opelousas. A low power FM (LP1) Construction Permit has been issued for channel 279 with assigned call letters KOCZ. 279A would be mutually exclusive with the existing LP1 Construction Permit.

The allotment can be granted in full compliance with the spacing requirements of the FCC Rules, section 73.207 at coordinates 30-28-18 North, 92-3-14 West, as shown below. The allotment also complies with the hypothetical coverage requirements of 73.315 as is shown by the accompanying coverage map.

The grant of this requested allotment would provide an additional interference free service to 29,902 persons in an area of 216.4 square kilometers and would generally serve the public interest.

FM Study for: NEW FCC Database Date: 7/6/2002 30-28-18  
 Location: OPELOUSAS, LA Channel Class: A 92-03-14  
 [\*] by HAAT indicates calculated as missing in database.  
 Call City, State Chan Class Freq kW Latitude Dist. Required  
 Status Proponent File Number HAAT Longitude Azm. Clear (km)

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 >>>>>>> Study For Channel 279 103.7 MHz <<<<<<<<

KBIU LAKE CHARLES, LA 279 C1 103.7 100. 30-14-41 126.5 200  
 LIC Fac. No. 17019 BLH-19971208KB 149 93-20-38 258.9 -73.5 SHORT

**Note:** This allotment has been deleted. See R&O for La Porte, TX.

ALLOC BUNKIE, LA 282 C2 104.3 30-53-16 54.80 55  
 VAC Fac. No. 51078 - 0 92-21-45 327.4 -0.20 CLOSE

ALLOCR WESTWEGO, LA 279 C0 103.7 29-54-52 215.51 215  
 ADD RM-bg-92 0 89-54-34 106.1 +0.51 CLOSE

KLAA TIOGA, LA 278 C2 103.5 50.0 31-25-39 111.2 106  
 LIC Fac. No. 8166 BLH-19950607KA 145 92-24-18 342.5 +5.2 CLOSE

ALLOC BORDELONVILLE, LA 280 A 103.9 31-10-18 83.9 72  
 VAC RM-10087 0 91-43-09 22.3 +11.9 CLOSE

ALLOC LA PORT, TX 279 C 103.7 29-58-19 243.8 226  
 RSV RM-10035 0 94-31-16 257.5 +17.8 CLEAR

KVST LA PORTE, TX 279 C 103.7 100. 30-02-45 244.9 226  
 APP Fac. No. 48676 BPH-20010612AEF 587 94-33-03 259.5 +18.9 CLEAR

WBBE HAMMOND, LA 277 C 103.3 100. 30-24-06 116.4 95  
 LIC Fac. No. 61271 BLH-19841005CS 306 90-50-43 93.5 +21.4 CLEAR

KEZP BUNKIE, LA 282 C2 104.3 39.0 31-09-07 82.8 55  
 APP Fac. No. 51078 BPH-20010515AAG 113 92-24-37 335.8 +27.8 CLEAR

KEZP BUNKIE, LA 282 C3 104.3 18.0 31-05-14 74.2 42  
 LIC Fac. No. 51078 BLH-19910930KE 117 92-21-34 336.9 +32.2 CLEAR

ALLOCR GONZALES, LA 281 C0 104.1 29-52-55 126.0 86  
 ADD RM-bg-92 0 90-56-07 121.0 +40.0 CLEAR



Exhibit 2

City-grade Coverage

